

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

TREVION JONES,

Plaintiff,

vs.

C.C.C./PETER MOLNAR, and  
JENNIE DIEDER,

Defendants.

**CV-20-92-GF-BMM-JTJ**

**ORDER**

Plaintiff Trevion Jones, a federal pretrial detainee proceeding without counsel, filed a Motion to Proceed in Forma Pauperis (Doc. 1) and a proposed Complaint (Doc. 2) pursuant to 42 U.S.C. § 1983, alleging that Defendants negligently treated his health issues. United States Magistrate Judge John Johnston issued an Order with Findings and Recommendations granting Jones's Motion to Proceed in Forma Pauperis. (Doc. 4 at 1). In the same Order, Judge Johnston applied the screening standard to Jones's Complaint pursuant to 28 U.S.C. §§ 1915, 1915A. Those statutes require the Court to dismiss a complaint filed in forma pauperis and/or by a prisoner against a government defendant before it is served, if the Court determines that the complaint is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a

defendant who stands immune from such relief. 28 U.S.C. §§ 1915A(b), 1915(e)(2)(B).

Judge Johnston recommended that the Court dismiss Jones's Complaint for failure to state a federal claim upon which relief may be granted. (Doc. 4 at 1). Jones attempts to bring an action under *Bivens v. Six Unknown Named Agents of the Fed. Bur. Of Narcotics*, 403 U.S. 388 (1971). (Doc. 4 at 5). State tort laws exist, however, that provide adequate remedies against employees of private persons. (Doc. 4 at 7). Judge Johnston determined that Jones's *Bivens* action should not be allowed to proceed given the existence of an alternative process that provides him with adequate protection. (Doc. 4 at 7).

No party has filed an objection to Judge Johnston's Findings and Recommendations. The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations and adopts them in full.

### **ORDER**

Accordingly, **IT IS ORDERED:**

1. Jones's Complaint (Doc. 2) is **DISMISSED** for failure to state a federal claim;

2. The Clerk of Court is directed to close this matter and enter judgment pursuant to Fed. R. Civ. P. 58;

3. The Clerk of Court is directed to have the docket reflect that the Court certifies, pursuant to Fed. R. App. P. 24(a)(3)(A), that any appeal of this decision would not be taken in good faith. The record makes plain that the instant Complaint is frivolous as it lacks arguable substance in law or fact.

Dated this 23rd day of February, 2021.



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Brian Morris, Chief District Judge  
United States District Court